

Executive Summary – Enforcement Matter – Case No. 45758
Haldor Topsoe, Inc.
RN101211498
Docket No. 2012-2621-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Haldor Topsoe, 10010 Bayport Boulevard, Pasadena, Harris County

Type of Operation:

Catalyst manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 24, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$10,901

Amount Deferred for Expedited Settlement: \$2,180

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$8,721

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Executive Summary – Enforcement Matter – Case No. 45758
Haldor Topsoe, Inc.
RN101211498
Docket No. 2012-2621-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 17 and 26, 2012

Date(s) of NOE(s): November 16, 2012

Violation Information

1. Failed to report all instances of deviations. Specifically, Respondent reported 52 deviations in the semi-annual deviation report for the reporting period from November 17, 2011 through May 16, 2012 but did not include deviations for incidents which resulted in the release of unauthorized particulate matter on January 3, March 26, March 27, and March 31, 2012 [30 TEX. ADMIN. CODE § 122.145(2)(A), Federal Operating Permit No. O1217, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to maintain complete final records for non-reportable emissions events. Specifically, a non-reportable emissions event that occurred January 27, 2012 was not included in the final record, and the final records did not identify the name of the owner or operator, commission regulated entity number and air account number, the common name of the process units or areas of the regulated entity experiencing an emissions event, and the compound descriptive type of the individually listed compounds or mixtures of air contaminants from all emissions points involved in the emissions event [30 TEX. ADMIN. CODE § 101.201(b) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to submit an initial notification for an excess opacity event that occurred on February 10, 2012 within 24 hours after discovery of the opacity event. Specifically, the initial notification was due by February 11, 2012 at 9:17 a.m., but was never submitted [30 TEX. ADMIN. CODE § 101.201(e) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4. Failed to submit an initial notification for an emissions event that occurred on May 12, 2012 within 24 hours after discovery of the emissions event. Specifically, the initial notification was due by May 12, 2012 at 5:35 a.m., but was never submitted [30 TEX. ADMIN. CODE § 101.201(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On July 27, 2012, Respondent implemented an updated spill/release flow diagram to improve its reporting system and trained its employees on the revised reporting process and proper reportable and non-reportable emissions event and deviation reporting requirements.

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RN101211498
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Technical Requirements:

The Order will require Respondent to:

a. Within 30 days:

i. Submit an initial notification for the excess opacity event that occurred on February 10, 2012; and

ii. Submit an initial notification for the emissions event that occurred on May 12, 2012.

b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision a.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Kimberly Morales, Enforcement Division, Enforcement Team 5, MC R-12, (713) 422-8938; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: Ly Nguyen, Environmental, Health, and Safety Manager, Haldor Topsoe, Inc., 10010 Bayport Road, Pasadena, Texas 77507

Raymond V. Yellig, Vice President of Manufacturing, Haldor Topsoe, Inc., 10010 Bayport Road, Pasadena, Texas 77507

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	19-Nov-2012	Screening	10-Dec-2012	EPA Due	
	PCW	13-Dec-2012				

RESPONDENT/FACILITY INFORMATION

Respondent	Haldor Topsoe, Inc.		
Reg. Ent. Ref. No.	RN101211498		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	45758	No. of Violations	4	
Docket No.	2012-2621-AIR-E	Order Type	1660	
Media Program(s)	Air	Government/Non-Profit	No	
Multi-Media		Enf. Coordinator	Kimberly Morales	
		EC's Team	Enforcement Team 5	
Admin. Penalty \$ Limit Minimum		\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$9,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **20.0%** Enhancement **Subtotals 2, 3, & 7** **\$1,900**

Notes Enhancement for one order with denial of liability.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$499**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts \$22
Approx. Cost of Compliance \$750
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$10,901**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$10,901**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$10,901**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$2,180**

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$8,721**

Screening Date 10-Dec-2012

Docket No. 2012-2621-AIR-E

PCW

Respondent Haldor Topsoe, Inc.

Policy Revision 3 (September 2011)

Case ID No. 45758

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101211498

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 20%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for one order with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 20%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 20%

Screening Date 10-Dec-2012

Docket No. 2012-2621-AIR-E

PCW

Respondent Haldor Topsoe, Inc.

Policy Revision 3 (September 2011)

Case ID No. 45758

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101211498

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 122.145(2)(A), Federal Operating Permit No. O1217, General Terms and Conditions, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to report all instances of deviations. Specifically, the Respondent reported 52 deviations in the semi-annual deviation report for the reporting period from November 17, 2011 through May 16, 2012 but did not include deviations for incidents which resulted in the release of unauthorized particulate matter on January 3, March 26, March 27, and March 31, 2012.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Release Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			X

Percent 1.0%

Matrix Notes

The Respondent failed to comply with less than 30% of the rule requirement.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

181 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$250

One single event is recommended for the one incomplete report.

Good Faith Efforts to Comply

25.0% Reduction

\$62

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent completed corrective actions on July 27, 2012, prior to the November 16, 2012 NOE.

Violation Subtotal \$188

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$238

This violation Final Assessed Penalty (adjusted for limits) \$238

Economic Benefit Worksheet

Respondent Haldor Topsoe, Inc.
Case ID No. 45758
Reg. Ent. Reference No. RN101211498
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	15-Jun-2012	27-Jul-2012	0.12	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to implement measures and procedures to ensure all deviations are included in semi-annual deviation reports. The date required was the due date for the semi-annual report. The final date is the date that corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$1

Screening Date 10-Dec-2012

Docket No. 2012-2621-AIR-E

PCW

Respondent Haldor Topsoe, Inc.

Policy Revision 3 (September 2011)

Case ID No. 45758

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101211498

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 101.201(b) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain complete final records for non-reportable emissions events. Specifically, a non-reportable emissions event that occurred January 27, 2012 was not included in the final record, and the final records did not identify the name of the owner or operator, commission regulated entity number and air account number, the common name of the process units or areas of the regulated entity experiencing an emissions event, and the compound descriptive type of the individually listed compounds or mixtures of air contaminants from all emissions points involved in the emissions event.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor
		x	

Percent 7.0%

Matrix Notes

The Respondent failed to comply with 33% of the rule requirement.

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,750

One single event is recommended for the one set of incomplete records.

Good Faith Efforts to Comply

25.0% Reduction

\$437

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent completed corrective actions on July 27, 2012, prior to the November 16, 2012 NOE.

Violation Subtotal \$1,313

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,663

This violation Final Assessed Penalty (adjusted for limits) \$1,663

Economic Benefit Worksheet

Respondent Haldor Topsoe, Inc.

Case ID No. 45758

Reg. Ent. Reference No. RN101211498

Media Air

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$250	17-Jul-2012	27-Jul-2012	0.03	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement a complete record keeping system for recordable emissions events. The date required is the investigation date. The final date is the date that corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$0

Screening Date 10-Dec-2012

Docket No. 2012-2621-AIR-E

PCW

Respondent Haldor Topsoe, Inc.

Policy Revision 3 (September 2011)

Case ID No. 45758

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101211498

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 101.201(e) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit an initial notification for an excess opacity event that occurred on February 10, 2012 within 24 hours after discovery of the opacity event. Specifically, the initial notification was due by February 11, 2012 at 9:17 a.m., but was never submitted.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 15.0%

Matrix Notes

The Respondent failed to comply with 100% of the rule requirement.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$3,750

One single event is recommended for the one report not submitted.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$20

Violation Final Penalty Total \$4,500

This violation Final Assessed Penalty (adjusted for limits) \$4,500

Economic Benefit Worksheet

Respondent Haldor Topsoe, Inc.
Case ID No. 45758
Reg. Ent. Reference No. RN101211498
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	11-Feb-2012	26-Sep-2013	1.62	\$20	n/a	\$20

Notes for DELAYED costs

Estimated cost to implement measures and procedures designed to ensure emissions events are properly reported and to submit the initial notifications for the February 10, 2012 opacity event and the May 12, 2012 emissions event. The Date Required is the date the initial notification was due. The Final Date is the date that corrective actions will be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$20

Screening Date 10-Dec-2012

Docket No. 2012-2621-AIR-E

PCW

Respondent Haldor Topsoe, Inc.

Policy Revision 3 (September 2011)

Case ID No. 45758

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101211498

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 101.201(a) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit an initial notification for an emissions event that occurred on May 12, 2012 within 24 hours after discovery of the emissions event. Specifically, the initial notification was due by May 12, 2012 at 5:35 a.m., but was never submitted.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 15.0%

Matrix Notes

The Respondent failed to comply with 100% of the rule requirement.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events

1

1

Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$3,750

One single event is recommended for the one report not submitted.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOV

NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$0

Violation Final Penalty Total

\$4,500

This violation Final Assessed Penalty (adjusted for limits)

\$4,500

Economic Benefit Worksheet

Respondent Haldor Topsoe, Inc.
Case ID No. 45758
Reg. Ent. Reference No. RN101211498
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The economic benefit for this violation is included in Violation No. 3.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0



Compliance History Report

PUBLISHED Compliance History Report for CN600132435, RN101211498, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN600132435, Haldor Topsoe, Inc.

Classification: SATISFACTORY

Rating: 0.94

Regulated Entity: RN101211498, HALDOR TOPSOE

Classification: SATISFACTORY

Rating: 0.94

Complexity Points: 10

Repeat Violator: NO

CH Group: 05 - Chemical Manufacturing

Location: 10010 BAYPORT BOULEVARD, HARRIS COUNTY, PASADENA, TEXAS

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0903L

AIR OPERATING PERMITS PERMIT 1217

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1012763

AIR NEW SOURCE PERMITS AFS NUM 4820101413

AIR NEW SOURCE PERMITS PERMIT 9203

AIR NEW SOURCE PERMITS REGISTRATION 11054

AIR NEW SOURCE PERMITS PERMIT 21178

AIR NEW SOURCE PERMITS REGISTRATION 23824

AIR NEW SOURCE PERMITS REGISTRATION 32528

AIR NEW SOURCE PERMITS REGISTRATION 41655

AIR NEW SOURCE PERMITS REGISTRATION 43441

AIR NEW SOURCE PERMITS PERMIT 43752

AIR NEW SOURCE PERMITS REGISTRATION 47849

AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0903L

AIR NEW SOURCE PERMITS REGISTRATION 74499

AIR NEW SOURCE PERMITS REGISTRATION 95504

AIR NEW SOURCE PERMITS REGISTRATION 98237

AIR NEW SOURCE PERMITS REGISTRATION 102215

AIR NEW SOURCE PERMITS REGISTRATION 105603

STORMWATER PERMIT TXR05L230

WATER LICENSING LICENSE 1012763

AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0903L

INDUSTRIAL AND HAZARDOUS WASTE EPA ID

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE

TXD054460464

REGISTRATION # (SWR) 34841

POLLUTION PREVENTION PLANNING ID NUMBER P00294

Compliance History Period: September 01, 2007 to August 31, 2012

Rating Year: 2012

Rating Date: 09/01/2012

Date Compliance History Report Prepared: December 10, 2012

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 10, 2007 to December 10, 2012

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Kimberly Morales

Phone: (713) 422-8938

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 06/05/2008 ADMINORDER 2007-1788-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	June 19, 2008	(683791)
Item 2	September 21, 2010	(842777)
Item 3	January 21, 2011	(878515)
Item 4	January 23, 2012	(981083)
Item 5	February 28, 2012	(988982)
Item 6	July 24, 2012	(1009401)
Item 7	September 07, 2012	(1030263)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
HALDOR TOPSOE, INC.
RN101211498**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2012-2621-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Haldor Topsoe, Inc. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a catalyst manufacturing plant at 10010 Bayport Boulevard in Pasadena, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about November 21, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Ten Thousand Nine Hundred One Dollars (\$10,901) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eight Thousand Seven Hundred Twenty-One Dollars (\$8,721) of the administrative penalty and Two Thousand One Hundred

- Eighty Dollars (\$2,180) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
 8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
 9. The Executive Director recognizes that on July 27, 2012, the Respondent implemented an updated spill/release flow diagram to improve its reporting system and trained its employees on the revised reporting process and proper reportable and non-reportable emissions event and deviation reporting requirements.
 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE § 122.145(2)(A), Federal Operating Permit No. O1217, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 17 and 26, 2012. Specifically, the Respondent reported 52 deviations in the semi-annual deviation report for the reporting period from November 17, 2011 through May 16, 2012 but did not include deviations for incidents which resulted in the release of unauthorized particulate matter on January 3, March 26, March 27, and March 31, 2012.
2. Failed to maintain complete final records for non-reportable emissions events, in violation of 30 TEX. ADMIN. CODE § 101.201(b) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 17 and 26, 2012. Specifically, a non-reportable emissions event that occurred January 27, 2012 was not included in the final record, and the final records did not identify the name of the owner

or operator, commission regulated entity number and air account number, the common name of the process units or areas of the regulated entity experiencing an emissions event, and the compound descriptive type of the individually listed compounds or mixtures of air contaminants from all emissions points involved in the emissions event.

3. Failed to submit an initial notification for an excess opacity event that occurred on February 10, 2012 within 24 hours after discovery of the opacity event, in violation of 30 TEX. ADMIN. CODE § 101.201(e) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 17 and 26, 2012. Specifically, the initial notification was due by February 11, 2012 at 9:17 a.m., but was never submitted.
4. Failed to submit an initial notification for an emissions event that occurred on May 12, 2012 within 24 hours after discovery of the emissions event, in violation of 30 TEX. ADMIN. CODE § 101.201(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 17 and 26, 2012. Specifically, the initial notification was due by May 12, 2012 at 5:35 a.m., but was never submitted.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Haldor Topsoe, Inc., Docket No. 2012-2621-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Submit an initial notification for the excess opacity event that occurred on February 10, 2012; and
 - ii. Submit an initial notification for the emissions event that occurred on May 12, 2012.

- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director.

The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

6/4/13

Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

Raymond V. Yellig

Name (Printed or typed)
Authorized Representative of
Haldor Topsoe, Inc.

3/28/13

Date

VP of Manufacturing

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.